

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.305 to read as follows:

*Sec. 151.305. COIN-OPERATED MACHINE SALES. (a) The following tangible personal property sold through a coin-operated bulk vending machine for a total consideration of 25 cents or less is exempt from the taxes imposed by this chapter:*

*(1) food or candy, other than beverages;*

*(2) chewing gum; or*

*(3) toys and other items designed primarily to be used or played with by children.*

*(b) In this section, "bulk vending machine" means a vending machine that contains unsorted items and that dispenses at random an item or approximately equal quantities of items to the customer without selection of a particular item or type of item by the customer.*

SECTION 2. This Act takes effect October 1, 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 21, 1989, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 340 on May 18, 1989, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 340 on May 23, 1989, by a non-record vote; passed by the Senate, with amendments, on May 12, 1989, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 340 on May 24, 1989, by a viva-voce vote.

Approved June 16, 1989.

Effective Oct. 1, 1989.

## CHAPTER 1159

### H.B. No. 460

#### AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners and must hold a permit for that shop. An applicant for a barber shop permit or specialty shop permit must ~~submit an application to the barber board for the appropriate [a barber shop] permit.~~ ~~Each owner, operator or manager of a barber shop that is first opened for business hereafter shall within three days after the opening of such shop~~ submit an application to the barber board for the appropriate [a barber shop] permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to

avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede effective administration or enforcement of the laws under their respective jurisdictions[~~from and after January 31, 1930~~]:

(1) a person licensed by the barber board may practice ~~[barbering]~~ only at a location for which the board has issued a barber shop permit, *specialty shop permit*, barber school or college permit, or any other permit. If the State Board of Barber Examiners and the Texas Cosmetology Commission license the same facility, the board may not adopt rules restricting or prohibiting the practice by a Class A barber, *manicurist*, or *wig specialist* in the facility; and

(2) a person licensed by the cosmetology commission may practice cosmetology only at a location for which the commission has issued a beauty shop license, private beauty culture school license, or any other license. If the State Board of Barber Examiners and the Texas Cosmetology Commission license the same facility, the commission may not adopt rules restricting or prohibiting the practice by a cosmetologist in the facility.

SECTION 2. Article 8403, Revised Statutes, is amended to read as follows:

Art. 8403. EQUIPMENT. The owner, operator or manager of any barber shop, *specialty shop*, or *barber school* [~~or beauty parlor~~] shall equip and keep equipped the same with facilities and supplies and with all such appliances, furnishings and materials as may be necessary to enable persons employed in and about the same to comply with the law.

SECTION 3. Article 8404, Revised Statutes, is amended to read as follows:

Art. 8404. *EMPLOYEE* [~~EMPLOYEE~~] WITH DISEASE. No owner, operator or manager of a barber shop, *specialty shop*, or *barber school* [~~or a beauty parlor~~] shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or *employee* [~~employee~~] or work or be employed in the [~~said~~] shop or school [~~parlor~~]. No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed in a [~~said~~] shop or school [~~parlor~~].

SECTION 4. Article 8405, Revised Statutes, is amended to read as follows:

Art. 8405. CLEANLINESS. Every person in charge of a barber shop, *specialty shop*, or *barber school* [~~beauty parlor~~] shall keep the [~~said~~] shop or school [~~parlor~~] and all furniture, tools, appliances and other equipment used therein at all times in a *clean* [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair dusters~~] and similar articles used therein to be washed thoroughly at least once a day and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers used therein to be sterilized at least once after each time used as hereinafter provided. The term "persons affected by this chapter" shall include any person working or employed in a barber shop, *specialty shop*, or *barber school* [~~beauty parlor~~] or acting as a barber, *wig* [~~beauty~~] specialist, or manicurist. Every barber or other person affected by this chapter, immediately after using a mug, shaving brush, razor, scissors, shears, clippers, or tweezers, for the service of any person, shall sterilize the same by immersing it in boiling water for not less than a minute, or in the case of a razor, scissors, shears or tweezers, by immersing it for not less than ten minutes in a five per cent aqueous solution of carbolic acid. No barber or other person affected by this chapter shall:

1. Use for the service of any customer a comb, hair brush, [~~hair duster~~] or any similar article that is not thoroughly clean, nor any mug, shaving brush, razor, shears, scissors, clippers, or tweezers, that are not thoroughly clean or that have not been sterilized since last used.
2. Serve any customer unless he shall immediately before such service cleanse his hands thoroughly.
3. Use for the service of a customer any towel or wash cloth that has not been [~~boiled and~~] laundered since last used.
4. To stop the flow of blood use the same piece of alum or other material for more than one person.

5. Shave any person when the surface to be shaved is inflamed or broken out or contains pus~~[, unless such person be provided with a cup, razor and lather brush for his individual use]~~.

6. Permit any person to use the head rest of any barber's chair under his control until after the head rest has been covered with a towel that has been *laundered* ~~[washed and boiled]~~ since having been used before, or by clean new paper or similar clean substance.

7. Use a powder puff or a sponge in the service of a customer unless it has been sterilized since last used.

8. Use a finger bowl unless it has been sterilized since last used and fresh water or other liquid placed therein.

9. *Serve a customer without the use of a sanitized neck strip, cloth towel, or paper towel between the customer and the chair cloth.*

10. *Use a hair duster in providing services for any customer.*

SECTION 5. Article 8406, Revised Statutes, is amended to read as follows:

Art. 8406. *CERTAIN OTHER USES PROHIBITED; EXCEPTION* ~~[NO PLACE TO SLEEP]~~. No owner or manager of any barber shop, *specialty shop*, or *barber school* ~~[beauty parlor]~~ shall permit any person to sleep in any room used wholly or in part as such shop or *school* ~~[parlor]~~, and no person shall pursue the barber business or be employed in a barber shop, *specialty shop*, or *barber school* ~~[beauty parlor]~~ in any room used as ~~[a] sleeping quarters~~ ~~[apartment]~~.

SECTION 6. Section 2, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. ~~Unless [From and after the effective date of this Act, unless]~~ duly licensed and registered in accordance with all laws of this state regulating the practice of barbering, no person shall:

(a) practice, continue to practice, offer, or attempt to practice barbering or any part thereof;

(b) directly or indirectly, employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations thereof, as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "barber," "barbering," "barber school," "barber college," "barber shop," "barber salon," *or "specialty shop"; or*

(c) directly or indirectly, employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice barbering or own or manage any barber shop, *specialty shop*, or barber school or college.

SECTION 7. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. **[DEFINITIONS.]** In this Act, unless the context otherwise requires:

(a) "barber" shall mean any person who performs, offers, or attempts to perform any act of barbering, professes to do barbering or to be engaged in the practice thereof, or who directly or indirectly or in any manner whatsoever advertises or holds himself out as a barber or as authorized to practice barbering;

(b) "barbering," "practicing barbering," or the "practice of barbering" shall mean the performing or doing, or offering or attempting to do or perform, any, all or any combination of the following acts, services, works, treatments, or undertakings:

(1) arranging, beautifying, coloring, processing, shaving, styling, or trimming the mustache or beard by any means or method;

(2) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, waving, or otherwise treating the hair as primary services, treatments, or undertakings by any

means or method, including any bobbing, clipping, cutting, or trimming of the hair as a necessary incident preparatory or ancillary to such primary services;

(3) cutting the hair as a primary service, treatment, or undertaking and not as a necessary incident preparatory or ancillary to those primary services enumerated in Section 4(b)(2), or primarily engaging in the occupation of cutting hair or practicing primarily as a haircutter by cutting hair as a separate and independent service, treatment, or undertaking for which haircut a charge is made, as such, separate and apart from any other service, treatment, or undertaking, directly or indirectly, or in any manner whatsoever;

(4) cleansing, stimulating, or massaging the scalp, face, neck, arms, ~~or shoulders[, or that part of the body above the shoulders,]~~ by means of the hands, devices, apparatuses, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(5) beautifying the face, neck, arms, ~~or shoulders[, or that part of the body above the shoulders,]~~ by the use of cosmetic preparations, antiseptics, tonics, lotions, powders, oils, clays, creams, or appliances;

(6) cutting, trimming, polishing, tinting, coloring, cleansing, ~~[or]~~ manicuring, ~~or pedicuring~~ the nails of any person or attaching false nails;

(7) massaging, cleansing, treating, or beautifying the hands of any person;

(8) administering facial treatments;

(9) hair weaving;

(10) shampooing or conditioning hair;

(11) servicing a wig, toupee, or artificial hairpiece on a human head or on a block, subsequent to the initial retail sale by any of the acts, services, works, treatments, or undertakings enumerated in Section 4(b)(2) of this Act;

(12) advertising or holding out to the public by any manner whatsoever that any person is a barber or authorized to practice barbering;

(13) advertising or holding out to the public by any manner whatsoever that any location or place of business is a barber shop, *specialty shop*, barber school, barber college, or barber salon;

(14) receiving any fee, salary, compensation, or financial benefit, or the promise of any fee, salary, compensation, or financial benefit, for performing, doing, offering, or attempting to perform or do any act, work, service, or thing, which is any part of the practice of barbering as herein defined;

(c) "barber shop" or "barber salon" shall mean any place where barbering is practiced, offered, or attempted to be practiced except when such place is duly licensed as a barber school or college;

(d) "board" shall mean the State Board of Barber Examiners as established and provided for in the Texas Barber Law;

(e) "certificate" shall mean a certificate of registration issued by the board in accordance with the provisions of this Act;

(f) "license" shall mean any license issued by the board in accordance with the provisions of this Act;

(g) "manager" shall mean any person who controls or directs the business affairs of a barber shop or directs the work of a person employed in a barber shop or both;

(h) "*manicurist specialty shop*" shall mean any place where only the practice of barbering as defined by Sections 4(b)(6) and (7) of this Act is performed for compensation;

(i) "permit" shall mean any permit issued by the board in accordance with the provisions of this Act;

(j) [(i)] "person" shall mean any individual, association, firm, corporation, partnership, or other legal entity;

(k) "specialty shop" shall mean a manicurist specialty shop or a wig specialty shop;

(l) "wig specialty shop" shall mean any place where only the practice of barbering as defined by Section 4(b)(11) of this Act is performed for compensation.

(m) [(j)] In addition to the foregoing definitions, the board shall have authority to define by rule any words or terms necessary in the administration or enforcement of this Act.

SECTION 8. Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. [EXEMPTIONS.] The following persons shall be exempt from the provisions of this Act, provided such persons are not represented, advertised, or held out to the public, directly or indirectly, or in any manner whatsoever, as barbers, journeymen barbers, barber technicians, or under any name, title, or designation indicating such person is authorized to practice by authority of any license or permit issued by the board:

(a) a doctor of medicine, doctor of osteopathic medicine, or [physicians, osteopaths, and] registered nurse [nurses] licensed and regulated by the State of Texas while operating within the scope of that person's license;

(b) commissioned or authorized medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;

(c) persons licensed or practicing by authority of the Texas Cosmetology Commission under the provisions of Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), so long as such persons practice within the scope of the license or permit duly issued by the Texas Cosmetology Commission.

SECTION 9. Section 7, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a Class A registered barber:

(a) being at least 16 [16½] years of age;

(b) successfully passing a written and practical examination demonstrating to the satisfaction of the board the applicant's fitness and competence to practice the art and science of barbering.

SECTION 10. Section 9, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. (a) Any person desiring to conduct or operate a barber school or college in this state shall first obtain a permit from the board after demonstrating that said school or college has first met the requirements of this section. Said permit shall be prominently displayed at all times at such school or college. ~~[No such school or college shall be approved unless such school or college requires as a prerequisite to graduation a course of instruction of not less than 1,500 hours as determined by the board, to be completed within a period of not less than nine months, for a Class A certificate, and at least 800 hours of such course of instruction shall be in the actual practice of cutting hair as a primary service in accordance with the definition set forth in Section 4(b)(3) of this Act.]~~

(b) No certificate or permit shall be issued as provided for herein to an applicant to be a student in such a school or college unless said applicant has completed at least a seventh grade education and such other requirements as shall be specified by the board. *Each applicant to be a student must submit an enrollment application to the board in the form prescribed by the board. The application must be accompanied by a nonrefundable application fee set by the board in an amount not to exceed \$25. A separate application is required for each enrollment, reenrollment, or transfer enrollment. However, the application fee applies only to the first enrollment and may not be charged for any later enrollment, reenrollment, or transfer enrollment.*

(c) *The board may not approve a barber school or college unless the school or college requires the following hours of instruction as a prerequisite for graduation:*

(1) *Class A barber—1,500 hours of instruction completed in a course of not less than nine months, with not less than 800 hours in the actual practice of cutting hair as a primary service;*

(2) *barber technician—300 hours of instruction completed in a course of not less than eight weeks;*

(3) *wig instructor—200 hours of instruction completed in a course of not less than eight weeks;*

(4) *wig specialist—300 hours of instruction completed in a course of not less than eight weeks;*

(5) *manicurist—300 hours of instruction completed in a course of not less than eight weeks; and*

(6) *teacher—1,000 hours of instruction completed in a course of not less than six months.*

(d) *If a school or college offers a refresher course, that course must require at least 300 hours of instruction. The board by rule shall set the curriculum for a refresher course. [Provided, however, that any person licensed as a Class A registered barber or registered assistant barber as of the effective date of this Act shall be considered qualified to perform any acts or services within the scope of the definition of barbering and shall be entitled to any or all licenses, certificates, or permits which the board is authorized to issue on payment of the required fees but without meeting further educational or experience requirements.]*

(e) *A barber school or college shall submit a monthly progress report to the board regarding each student in attendance at the school or college. The report must certify the daily attendance record of the student and the number of credit hours earned by the student during the previous month. The school or college may not increase, decrease, or withhold for any reason the number of credit hours earned by a student. On completion by a student of a prescribed course of instruction, the school or college shall certify to the board that the student has completed the required number of hours and is eligible to take the appropriate examination.*

(f) [(b)] Such schools or colleges shall instruct students in the theory and practice of such subjects as may be necessary and beneficial in the practice of barbering, including the following:

(1) *all laws governing the practice of barbering in this state;*

(2) *scientific fundamentals of barbering;*

(3) *hygienic bacteriology;[r]*

(4) *histology of the hair, skin, muscles, and nerves;*

(5) *the structure of the head, neck and face;*

(6) *elementary chemistry relating to sterilization and antiseptics;*

(7) *common disorders of the skin and hair;*

(8) *massaging muscles of the scalp, face, and neck;*

(9) *hair-cutting;*

(10) *shaving, shampooing, and bleaching and dyeing of the hair;*

(11) *manicuring, administering facial treatments, hair weaving, servicing wigs; and[,-or]*

(12) *any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering provided for in this Act.*

(g) [(e)] No barber school or college which issues "Class A" certificates shall be approved by the Board for the issuance of a permit unless said school or college has the following:

(1) *An adequate school site housed in a substantial building of a permanent-type construction containing a minimum of not less than two thousand, eight hundred (2,800) square feet of floor space. Such space shall be divided into the following separate*

departments: a senior department, a junior department, a class theory room, a supply room, an office space, a dressing and cloak room, and two (2) sanitary, modern separate rest rooms, equipped with one (1) commode each and a urinal in one (1) rest room.

(2) A hard-surface floor covering of tile or other suitable material.

(3) A minimum of twenty (20) modern barber chairs with cabinet and mirror for each chair.

(4) One (1) lavatory in back of each two (2) chairs.

(5) A liquid sterilizer for each chair.

(6) An adequate number of latherizers, vibrators, and hair dryers for the use of students.

(7) Adequate lighting of all rooms.

(8) At least twenty (20) classroom chairs, a blackboard, anatomical charts of the head, neck and face, and one (1) barber chair in the class theory room.

(9) A library and library facilities available to students, containing a medical dictionary and a standard work on the human anatomy.

(10) Adequate drinking fountain facilities, but at least one (1) to each floor.

(11) Adequate toilet facilities for the students.

(12) Adequate fire-fighting equipment to be maintained in case of emergency.

(h) ~~[(d)]~~ Anything to the contrary in this Act notwithstanding, each such school shall place a sign on the front outside portion of its building in a prominent place. Such sign shall read "BARBER SCHOOL—STUDENT BARBERS", and shall be a minimum size of ten-inch block letters. Printed signs containing the foregoing information shall be prominently displayed upon each inside wall of the establishment.

(i) ~~[(e)]~~ A minimum of five (5) *hours a [one-hour periods of each] week must [shall] be devoted to the instruction of theory in the classroom, with Saturdays [being] devoted exclusively to practical work over the chair. If classes are conducted five (5) days a week, one (1) hour each day must be devoted to instruction in theory. If classes are conducted four (4) days a week, one (1) hour and fifteen (15) minutes each day must be devoted to instruction in theory.* An attendance record book must be maintained by the school showing a record of the students' daily attendance. These records are subject to inspection at any and all times by the Board.

(j) ~~[(f)]~~ No barber school or college which issues "Class A" certificates shall be approved by the Board unless it is under the direct supervision and control of a barber who holds a current registered "Class A" certificate to practice barbering under the Texas Barber Law, and who can show evidence of at least five (5) years experience as a practicing barber. Each school shall have at least one (1) teacher who has a teacher's certificate issued by the Board upon examination and who is capable and qualified to teach the curriculum outlined herein to the students of such school. All such teachers are required to obtain a teacher's certificate from the Board and, in addition to requirements set forth by the Board, must meet the following requirements:

(1) Demonstrate their ability to teach the said curriculum outlined herein through a written and practical test to be given by the Board.

(2) Hold a current certificate as a registered "Class A" barber under this law.

(3) Demonstrate to the Board that such applicant is qualified to teach and instruct, to be determined at the discretion of the Board, and show evidence that the applicant has had at least six (6) months experience as a teacher in an approved school or college in Texas or in another state approved by the Board, or have completed *1,000 hours of instruction in a [six-month] postgraduate course as a student teacher in an approved barber school or college in Texas.*

(k) *A licensed barber who presents evidence satisfactory to the Board of at least five (5) years' experience as a practicing barber in a barber shop operating under a permit issued by the Board, with not less than two (2) years' experience occurring in the period immediately before application, is also entitled to apply to take the examination for a teacher's certificate. Applicants desiring an examination for a teacher's*

certificate shall make an application to the Board and accompany same with an examination fee not to exceed \$70. A new application and fee must be presented for each examination taken by the applicant and fees paid are not refundable. A teacher's certificate shall be issued upon satisfactory completion of the examination and payment of a certificate fee not to exceed \$70 if the applicant fulfills the requirements during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year or not to exceed \$35 if the applicant fulfills the requirements during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year. Teacher's certificates shall be renewed biennially on or before November 1st of odd-numbered years upon the payment of a renewal fee not to exceed \$70.

(l) ~~(g)~~ In addition to a minimum of one (1) teacher required in *Subsection (j)(3) of this Section* ~~[paragraph (3) above]~~, each barber school or college which issues "Class A" certificates shall maintain at least one (1) qualified instructor, holding a registered "Class A" certificate, for each twenty (20) students or any fraction thereof for instruction in practical work; provided, however, that a teacher can also serve as an instructor in practical work in addition to his position as a theory teacher. *A barber school or college may not enroll more than one (1) student teacher for each licensed teacher who teaches at the school or college. A student teacher must concentrate on teaching skills and may not be booked with customers. Violation of this requirement constitutes a ground for the revocation of the person's student teacher barber license.*

(m) ~~(h)~~ No barber school or college shall be issued a permit to operate under the provisions of this Section until it has first furnished the following evidence to the Board:

(1) A detailed drawing and chart of the proposed physical layout of such school, showing the departments, floor space, equipment, lights and outlets.

(2) Photographs of the proposed site for such school including the interior and exterior of the building, rooms and departments.

(3) A detailed copy of the training program.

(4) A copy of the school catalog and promotional literature.

(5) A copy of the building lease or proposed building lease where the building is not owned by the school or college.

(6) A sworn statement showing the true ownership of the school or college.

(7) A permit fee not to exceed \$1,000.

(n) No such school or college shall be operated and no students shall be solicited or enrolled by it until the Board shall determine *by inspection* that the school has been set up and established in accordance with this Section and the proposal submitted to the Board and approved by it prior to the issuance of a permit. *A barber school or college that is not approved by the Board on initial inspection is subject to reinspection by the Board. For each reinspection, the Board shall charge a reinspection fee set by the Board in an amount not to exceed \$500.*

(o) Any such school or college must obtain renewal of its *permit* ~~[certificate]~~ by September 1st each year by the payment of an annual renewal fee not to exceed \$300.

(p) ~~(i)~~ *If* ~~[When]~~ a barber school or college changes ownership, the Board shall be notified of the transfer *not later than the 10th day before the date on which the change becomes effective* ~~[within ten (10) days from the date of such change]~~.

(q) ~~(j)~~ Any school or college desiring to change the location of such school or college must first obtain approval by the Board by showing that the proposed location meets the requirements of this Section.

(r) ~~(k)~~ If said Board refuses to issue a permit to any such school or college, such school or college may by written request demand the reasons for said refusal and if said school or college shall thereupon meet said requirements and makes a showing that the requirements of this law have been complied with, then if said Board refuses to issue said permit, a suit may be instituted by such school or college in any of the District Courts of Travis County, Texas, to require said Board to issue such permit. Any such suit must be filed within twenty (20) days after the final order of said Board refusing to issue such



permit is entered, provided registered notice is mailed or it is otherwise shown that said school or college has notice within ten (10) days from the entering or making of said order.

(s) [(L)] In the event such school or college after a permit is issued to it violates any of the requirements of this law, either directly or indirectly, then said Board shall suspend or revoke the permit of any such school or college. Before suspending or revoking any such permit, said Board must give such school or college a hearing, notice of which hearing shall be delivered to such school or college at least twenty (20) days prior to the date of said hearing. If said Board suspends or revokes said permit at said hearing, then such school or college may file suit to prevent the same or to appeal from said order. Any and all suits filed hereunder shall be filed within twenty (20) days from the date of the order of said Board in any of the District Courts of Travis County, Texas, and not elsewhere, and the order shall not become effective until said twenty (20) days has expired.

(t) [(m)] The Attorney General or any District or County Attorney may institute any injunction proceedings or such other proceeding as to enforce the provisions of this Act, and to enjoin any barber[, assistant barber,] or school or college from operating without having complied with the provisions hereof, and each shall forfeit to the State of Texas the sum of Twenty-five Dollars (\$25) per day as a penalty for each day's violation, to be recovered in a suit by the District or County Attorney, and/or the Attorney General.

SECTION 11. Section 14, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) Any ~~assistant barber who is at least sixteen and one-half years of age and who has a diploma showing graduation from a seventh grade grammar school, or an equivalent education as determined by an examination conducted by the Board, and who has a certificate of registration as an assistant barber in a State or country which has substantially the same requirements for registration as an assistant barber as is provided for by this Act, shall upon payment of the required fee be issued a permit to work as an assistant barber until called by the Board of Examiners for examination to determine his fitness to receive a certificate of registration as an assistant barber. Should such person be able to pass the required examination, he will be issued a certificate of registration as a registered assistant barber, and that the time spent in such other State or country as an assistant barber shall be credited upon the period of assistant barber required by this Act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.~~

~~[(b) Any] person who holds a barber [has spent at least 30 working days at a licensed barber school or college as a barber's] technician license issued by the Board may:~~

~~(1) perform for compensation only the practice of barbering defined in Sections 4(b)(4), (5), (7), (8), and (10) of this Act; and~~

~~(2) practice only at a location for which the Board has issued [including the study of shampooing, shampoos, manipulations, making appointments, preparing patrons, sterilizing tools, and the study of sterilization and the barber laws may be licensed to practice as a barber's technician. Any licensed barber's technician may assist the barber in shampooing and sterilizing in] a barber shop permit [and shall work under the personal supervision of a registered Class A barber].~~

~~(b) An applicant for a barber technician license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed a course of instruction of not less than 300 hours in a period of not less than eight weeks. The course must include the theory and practice of the following subjects:~~

- ~~(1) all laws governing the practice of barbering in this state;~~
- ~~(2) hygienic bacteriology;~~
- ~~(3) histology of the skin, muscles, and nerves;~~
- ~~(4) the structure of the head, neck, and face;~~
- ~~(5) elementary chemistry relating to sterilization and antiseptics;~~
- ~~(6) common disorders of the skin;~~

(7) *massaging and manipulating muscles of the scalp, face, and neck;*

(8) *shampooing;*

(9) *administering facial treatments;*

(10) *preparing patrons and making appointments; and*

(11) *any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering under Subsection (a) of this section.*

(c) *The application must be made on a form prescribed by the Board, accompanied by the \$10 administration fee. The application and fee must be filed not later than the 10th day before the date set for the examination.*

(d) *An applicant is entitled to a barber technician license if the applicant possesses the qualifications listed in Subsection (b) of this section, satisfactorily completes the examination, pays a license fee not to exceed \$70, and has not committed an act that constitutes grounds for denial of a license under this Act.*

SECTION 12. Subsections (b) and (c), Section 15, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) An applicant for a manicurist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 300 [150] hours instruction in manicuring.

(c) The application shall be made on a form prescribed by the board and a \$10 [~~\$5 manicurist~~] administration fee must accompany the application. The application and fee shall be filed at least 10 days prior to the date set for the examination.

SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 15A to read as follows:

*Sec. 15A. (a) A person may not own, operate, or manage a manicurist specialty shop unless the person holds a manicurist specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued.*

*(b) An applicant for a manicurist specialty shop permit must submit a written application to the board. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary manicurist specialty shop permit to the applicant.*

*(c) The board shall issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist license and whose shop meets:*

*(1) the minimum health standards required by the Texas Department of Health for manicurist specialty shops, as determined by a board inspection; and*

*(2) any additional requirements imposed by board rule.*

*(d) A person who holds a manicurist specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Sections 4(b)(6) and (7) of this Act, is performed for compensation. A manicurist specialty shop may be operated only under the direction of a person who holds a valid manicurist license.*

*(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a manicurist specialty shop is transferred to another person, the shop may continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.*

*(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under that authority at a manicurist specialty shop regulated under this Act.*

(g) A permit issued under this section expires July 1 of each odd-numbered year. A holder may renew the permit by submitting a renewal application to the board, accompanied by a renewal fee set by the board not to exceed \$50.

(h) A holder of a permit issued under this section may move the manicurist specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur.

SECTION 14. Section 16, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. (a) A person holding a wig specialist license issued by the board may perform for compensation only the practice of barbering defined in Section 4(b)(11) of this Act.

(b) An applicant for a wig specialist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 300 hours of instruction in the care and treatment of wigs.

(c) The application shall be made on a form prescribed by the commission and a \$10 [\$5] administration fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig specialist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a license fee not to exceed \$30, and has not committed an act which constitutes grounds for revocation of a license under this Act.

~~[(e) Any person who at the time this Act takes effect holds a cosmetology license or manicurist license issued by the cosmetology commission may make application for and upon paying the fee be granted a manicurist license by the barber board without examination.]~~

SECTION 15. Section 18, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. (a) A person may not own, operate, or manage a wig specialty shop unless the person holds a wig specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. ~~[A person holding a wig salon license issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b)(11) of this Act is performed for compensation.]~~

(b) An applicant for a wig specialty shop permit must submit a written application to the board. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary wig specialty shop permit to the applicant. ~~[An applicant for a wig salon license shall submit an application on a form prescribed by the board. The application shall contain proof of the particular requisites for a wig salon as established by the board and shall be verified by the applicant.]~~

(c) The board shall issue a permanent wig specialty shop permit to an applicant who holds a valid wig specialist license and whose shop meets:

(1) the minimum health standards required by the Texas Department of Health for wig specialty shops, as determined by a board inspection; and

(2) any additional requirements imposed by board rule.

(d) A person who holds a wig specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Section 4(b)(11) of this Act, is performed for compensation. A wig specialty shop may be operated only under the direction of a person who holds a valid wig specialist license.

(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a wig specialty shop is transferred to another person, the shop may

*continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.*

*(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under that authority at a wig specialty shop regulated under this Act.*

*(g) A permit issued under this section expires July 1 of each odd-numbered year. A holder may renew the permit by submitting a renewal application to the board, accompanied by a renewal fee set by the board not to exceed \$50.*

*(h) A holder of a permit issued under this section may move the wig specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur. ~~[The applicant is entitled to a wig-salon license if the application shows compliance with the rules and regulations of the board, a license fee not to exceed \$50 is paid, and such applicant has not committed an act which constitutes grounds for revocation of a license under this Act.]~~*

SECTION 16. Section 18.1, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18.1. (a) A person holding a wig school *permit* ~~[license]~~ issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b)(11) of this Act is taught for compensation.

(b) An applicant for a wig school *permit* ~~[license]~~ shall submit an application on a form prescribed by the board. The application shall contain proof of the particular requisites for a wig school as established by the board and shall be verified by the applicant.

(c) The applicant is entitled to a wig school *permit* ~~[license]~~ if the application shows compliance with the rules and regulations of the board, a \$100 *permit* ~~[license]~~ fee is paid, and applicant has not committed an act which constitutes grounds for revocation of a license *or permit* under this Act.

SECTION 17. Section 19, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. Every holder of a certificate of registration *or license issued by the board* shall display *the original certificate or license, together with an attached photograph of the certificate holder or licensee, [it]* in a conspicuous place adjacent to or near *the certificate holder's or licensee's [his]* work-chair in the shop in which *the certificate holder or licensee [he]* is working or employed.

SECTION 18. Section 20, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. (a) *Each certificate of registration or license issued under this Act expires two years from the date of issuance. Each registered Class A barber, barber technician, teacher, wig instructor, wig specialist, manicurist, or other licensed specialist who continues in active practice or service must renew the certificate or license on or before the expiration date. The Board shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the Board, accompanied by the renewal fee set by the Board in the amount for an original certificate or license, but not to exceed \$70. [Every registered Class A barber and barber technician who continues in active practice or service shall renew his certificate of registration on or before November 1 of odd-numbered years. The Board of Barber Examiners shall issue the renewal certificate upon payment of a biennial renewal fee not to exceed \$70. Every certificate of registration which has not been renewed prior to that date shall expire on November 1 of that year.]*

(b) A Class A registered barber *or other licensee*, whose certificate of registration *or license* has expired, may, within 30 days thereafter, and not later, have his certificate of registration *or license* restored by *applying to the Board and paying the biennial renewal fee set by the Board* ~~[upon making a satisfactory showing to the Board,~~

~~supported by his personal affidavit, which in the opinion of the Board, will excuse the applicant for having failed to renew his certificate within the time required by this Act].~~

(c) Any registered barber or licensee whose certificate of registration or license has been expired for not ~~[who retires from the practice of barbering for not]~~ more than five (5) years may ~~reinstate the [renew his]~~ certificate of registration or license by making proper showing to the Board, supported by his personal affidavit, which, in the opinion of the Board, would justify the Board in issuing a certificate or license to such applicant as upon an original application upon payment of a fee ~~equal to the current amount of the original certificate or license fee, plus a delinquency fee of \$30 for each year or part of a year that the certificate or license has been expired~~ ~~[not to exceed \$70 if the applicant applies during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year not to exceed \$35 if the applicant applies during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year].~~

(d) Any registered barber or licensee who retires from ~~[the]~~ practice and whose certificate of registration or license has been expired ~~[of barbering]~~ for more than five (5) years may ~~qualify for a new [renew his]~~ certificate of registration or license by making application to the Board and by making proper showing to the Board, supported by his personal affidavit, and by paying an examination fee not to exceed \$70, passing a satisfactory examination conducted by the Board, and paying ~~the [a license] fee for an original certificate of registration or license~~ ~~[not to exceed \$50 if the applicant fulfills the requirements during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year or not to exceed \$25 if the applicant fulfills the requirements during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year].~~

SECTION 19. Section 20a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20a. Any registered barber, ~~[registered assistant barber or]~~ barber technician, teacher, manicurist, or wig specialist shall not be required to renew his certificate of registration while serving on active duty in the military, air or naval forces of the United States, and the Board shall issue a renewal certificate upon application and payment of a renewal fee within ninety (90) days from the date such registered barber, ~~[registered assistant barber or]~~ barber technician, teacher, manicurist, or wig specialist is released or discharged from active duty in the armed forces. The renewal fee shall be:

- (1) Ten Dollars (\$10) if the application and payment is made during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year;
- (2) Five Dollars (\$5) if the application and payment is made during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year.

SECTION 20. Section 21, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 21. The board shall either refuse to issue or to renew, or shall suspend or revoke any certificate of registration or license for any one of, or a combination of the following causes:

- (A) Gross malpractice;
- (B) Continued practice by a person knowingly having an infectious or contagious disease;
- (C) Advertising by means of knowingly making false or deceptive statements;
- (D) Advertising, practicing, or attempting to practice under another's trade name or another's name;
- (E) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;

(F) The commission of any of the offenses described in Section 24 of this Act;

(G) No certificate or license shall be issued or renewed, unless and until each applicant shall present a health certificate from a regular practicing ~~[medical]~~ doctor of medicine or doctor of osteopathic medicine showing that the applicant is free from any kind of infectious or contagious diseases, tuberculosis, communicable diseases, and free from the use of any kind of morphine, cocaine, or other habit-forming drug, or a habitual drunkard and that said applicant shall make affidavit to said medical examiner that all of the said facts are true.

SECTION 21. Section 22(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) If a barber inspector believes that any of the grounds specified in Section 21 exist, or that the holder of a certificate, license, or permit has failed to comply with any of the requirements of this Act, he shall notify the holder of the certificate, license, or permit of that fact and summons him to appear for hearing as provided in this section. The hearing shall be had not less than twenty (20) days after notification in writing to the holder of the certificate, license, or permit, specifying the violation or non-compliance alleged. For the purpose of hearing such cases concurrent jurisdiction is vested in the county court of the county where the holder of the certificate, license, or permit resides and in the county court of the county where the violation allegedly occurred. The court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. The holder of the certificate, license, or permit shall have the right to be represented by counsel. At the hearing, the board shall be represented by the attorney general, district attorney, or county attorney. At such a hearing the issue to be determined is whether any grounds exist under Section 21 for denial, refusal to renew, suspension, or revocation of the certificate, license, or permit. The judge who presides at the hearing shall report his finding to the board, which may, if the finding warrants, deny, suspend, revoke, or refuse to renew the certificate, license, or permit.

SECTION 22. Subsections (b) and (c), Section 23, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The fees to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering~~[-to practice as an assistant barber,]~~ or to practice as a barber technician shall be \$10.

(c) The fees to be paid to the Board by an applicant who has satisfactorily passed the examination and complied with the other provisions of this Act to receive a certificate of registration to practice barbering~~[-to practice as an assistant barber,]~~ or to practice as a barber technician shall be *set by the Board in an amount not to exceed \$70*:

~~[(1) an amount not to exceed \$70 if the applicant fulfills the requirements during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year; or~~

~~[(2) an amount not to exceed \$35 if the applicant fulfills the requirements during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year].~~

SECTION 23. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. Each of the following offenses shall constitute a misdemeanor punishable upon conviction in a court of competent jurisdiction by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

(A) The violation of any of the provisions of Sections 1, 2, ~~or 3[-and 5]~~ of this Act;

(B) Permitting any person in one's employ, supervision, or control to practice as a barber or other licensee ~~[as an assistant barber,]~~ unless that person has a current certificate of registration or license issued by the board;

(C) Obtaining or attempting to obtain a certificate of registration or license by fraudulent representation;

(C-1) For anyone who owns, operates or manages a barber school or college to work a chair or to permit teachers, *student teachers* [instructors], [licensed barbers] or anyone [any one] other than an enrolled student to render barbering services to the public in their said establishment;

(D) The willful failure to display a certificate of registration or license as required by Section 19 of this Act.

SECTION 24. Section 27, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. (a) The State Board of Barber Examiners shall elect one of its members as president, and shall *select an executive director* [elect a secretary] and such other employees, as may be necessary, to carry out the provisions of this Act [and House Bill No. 104, Chapter 65, Acts of the Forty-first Legislature, First Called Session, as amended,] and provide for the compensation of the *executive director* [such secretary] and other employees. Said Board shall maintain its office in the [State Office Building in the] City of Austin, Texas, and shall adopt rules and regulations for the transaction of the business herein provided for, including a common seal for the authentication of its orders, certificates and records. The *executive director* [secretary] shall keep a record of all proceedings of the Board and shall be the custodian of all such records and shall receive and receipt for all money collected by the Board. All money so received shall be immediately deposited with the State Treasurer, who shall credit same to a special fund to be known as "State Board of Barber Examiners Fund," which money shall be drawn from said special fund upon claims made therefor by the Board to the Comptroller; and if found correct, to be approved by him and vouchers issued therefor, and countersigned and paid by the State Treasurer, which special fund is [hereby appropriated] for the purpose of carrying out all the provisions of this Act. Annually at the close of business on August 31st of each year, a complete report of the business transaction by the Board showing all receipts and disbursements shall be made by the Board to the Governor of the State of Texas. The State Auditor shall audit the financial transactions of the Board at least once every two fiscal years.

(b) The *executive director* [secretary] shall give a surety bond, payable to the State of Texas in the sum of Five Thousand Dollars (\$5,000), conditioned for the faithful performances of the [his] duties as *executive director* [secretary], to be approved by the Board and filed with the State Comptroller. A majority of the Board in meetings duly assembled may perform and exercise all the duties and powers devolving upon the Board.

(c) The compensation of the members of the Board shall be a per diem as set by the General Appropriations Act, and in addition to the per diem provided for herein, they shall be entitled to traveling expenses in accordance with the appropriate provisions of the General Appropriations Act. Each Board member shall make out, under oath, a complete itemized statement of the number of days engaged and the amount of his expenses when presenting same for payment.

SECTION 25. Section 27(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) No barber inspector or other employee of the State Board of Barber Examiners may sell barber supplies or engage in any other business which deals directly with barbers, barber shops, *specialty shops*, or barber schools except that he may engage in the practice of barbering.

SECTION 26. Section 28(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The *Texas* [State] Board of Health shall make, establish and promulgate reasonable sanitary rules and regulations for the conduct of barber shops, *specialty shops*, and barber schools. The State Board of Barber Examiners, by and through the *Texas Department of Health* [Health Department of the State of Texas], shall have authority, and it is made its duty to enter upon the premises of all barber shops, *specialty shops*, barber schools or any place where any of its *certificate holders or licensees* are

practicing or performing any service, act or treatment by authority of any *certificate* or license issued by the board and inspect same at any time during business hours. A copy of such sanitary rules and regulations adopted by the *Texas* Board of Health shall be furnished to the *executive director* [~~Secretary~~] of the State Board of Barber Examiners who shall in turn forward to each barber, barber school or licensee of the board a copy of such rules and regulations. A copy of the sanitary rules and regulations promulgated and adopted by the *Texas* [~~State~~] Board of Health shall be posted in barber shops, *specialty shops*, and barber schools in this State. Subject only to the authority of the *Texas* [~~State~~] Board of Health to make and promulgate reasonable rules and regulations as to sanitation, the State Board of Barber Examiners shall have full authority and power to make and enforce all rules and regulations necessary for the performance of its duties, to establish standards of conduct and ethics for all persons licensed or practicing under the provisions of this Act, and to regulate the practice and teaching of barbering in all of its particulars in keeping with the purposes and intent of this Act or to insure strict compliance with and enforcement of this Act.

SECTION 27. Section 29, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 29. The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration, *licenses*, or *permits*. This record shall also contain the name, place of business, and residence of each registered barber, *licensee*, or *permittee* [~~and registered assistant barber~~], and the date and number of his certificate of registration, *license*, or *permit*. This record shall be open to public inspection at all reasonable times.

SECTION 28. Section 29A, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 29A. (a) The State Board of Barber Examiners shall keep an information file about each complaint filed with the board relating to licensees, *permittees*, or *certificate holders* under this Act.

(b) If a written complaint is filed with the State Board of Barber Examiners relating to a licensee, *permittee*, or *certificate holder* under this Act, the board, at least as frequently as quarterly, shall notify the complainant of the status of the complaint until the complaint is finally resolved.

SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 29E to read as follows:

*Sec. 29E. A barber shop, specialty shop, or barber school permit that has been expired for more than 30 days may be renewed by filing a renewal application with the board, accompanied by the regular renewal fee, and a delinquency fee of \$30 for each year or part of a year that the permit has been expired.*

SECTION 30. (a) This Act takes effect September 1, 1989.

(b) This Act applies only to a license, certificate, or permit issued or renewed by the State Board of Barber Examiners on or after September 1, 1989. A license, certificate, or permit issued or renewed before that date is covered by the law in effect on the date that the license, certificate, or permit was issued or renewed, and the prior law is continued in effect for this purpose.

(c) A person who on the effective date of this Act holds a cosmetology license or manicurist license issued by the Texas Cosmetology Commission is entitled to a manicurist license issued by the State Board of Barber Examiners on application to that board.

SECTION 31. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 11, 1989, by a non-record vote; passed by the Senate on May 26, 1989, by a viva-voce vote.



Approved June 16, 1989.

Effective Sept. 1, 1989.

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**CHAPTER 1160****H.B. No. 462****AN ACT**

relating to the requirement of notice to the county clerk of municipal boundary changes and to the updating of the official county map.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 41, Local Government Code, is amended by adding Section 41.0015 to read as follows:

*Sec. 41.0015. NOTICE OF MUNICIPAL BOUNDARY CHANGE. (a) If an area is annexed to or disannexed from a municipality, the mayor or other presiding officer of the governing body of the municipality shall, within 30 days after the date of preclearance under Section 5, Federal Voting Rights Act (42 U.S.C. Sec. 1973c), of the annexation or disannexation, send to the county clerk of each county in which the municipality is located a certified copy of documents showing the change in boundaries.*

*(b) The county shall promptly correct to reflect the change in municipal boundaries any official county map kept by the county that would be affected by the change.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 13, 1989, by a non-record vote; passed by the Senate on May 17, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 16, 1989.

Effective Aug. 28, 1989, 90 days after date of adjournment.

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**CHAPTER 1161****H.B. No. 487****AN ACT**

relating to the use of funds contributed by or for a participant in the optional retirement program for faculty members of state institutions of higher education.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter B, Chapter 36, Title 110B, Revised Statutes, is amended by adding Section 36.107 to read as follows:

*Sec. 36.107. INVESTMENT ADVISORY FEES. (a) A participant in the optional retirement program may authorize the payment of investment advisory fees from the amount in the participant's custodial account or annuity if:*

*(1) the investment advisory fees for each fiscal year do not exceed two percent of the annual value of the participant's custodial account or annuity as of the last day of that fiscal year;*

*(2) the fees are paid directly to a registered investment advisor that provides investment advice to the participant;*